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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,700	05/25/2001	Renaud Mariana	T2146-907272	2286

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,700

Applicant(s)

MARIANA, RENAUD

Examiner

Hussein A. El-chanti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to amendment received on Oct. 22, 2004. Claims 17-32 were amended. Claims 33-34 were newly added. Claims 17-34 are pending examination.

Drawings

2. In order to avoid abandonment, the drawing informalities noted in the paper mailed on July 23, 2004, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Applicant is again reminded that official drawings are required to be submitted.

Content of Specification

3. The specification does not include headings for the parts of the specification e.g. "summary of the invention, detailed description of the drawings".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagawa et al., U.S. Patent No. 5,987,612 (referred to hereafter as Takagawa).

As to claim 17, Takagawa teaches a method for remote control of a user station using a smart card via an internet-type network, said user station being equipped with a smart card reader and comprising a first communication protocol stack, said smart card reader comprising a second communication protocol stack and said smart card comprising a third communication protocol stack, allowing communications between said user station and a remote server connected to said network and communications between said user station and said smart card via said smart card reader, said user station also comprising means for generating requests transmitted to said remote server, characterized in that it comprises:

storing in said remote server data and/or instructions in a first preliminary phase for allowing the generation of specific commands upon reception of specific requests originating from said request generating means and their transmission to said user station (see col. 2 lines 1-62, commands are transmitted from user terminal to a server in response to using smart card);

- loading into said user station in a second preliminary phase in a piece of specialized software forming an interface distinct from a web browser between said first and second protocol stacks and designed to translate said specific commands received by said user station into commands that conform to a first given communication protocol (see col. 2 lines 51-col. 3 lines 12);
- and at least the following steps:
 - a/ transmitting to said remote server at least one specific request (see col. 2 lines 1-62),
 - b/ generating by said remote server, upon reception of said specific request, at least one of said specific commands and transmitting said at least one of said specific commands to said user station using a second given communication protocol (see col. 8 lines 8-col. 9 lines 10);
 - c/ receiving transmitted said specific command in said user station, said reception step of said transmitted specific command using said piece of specialized software to intercept said specific command prior to the uppermost application layer represented by the web browser and translating said piece of specialized software into said first given communication protocol (see col. 9 lines 17-col. 10 lines 10);
 - d/ using said first given communication protocol to transmit said translated command to said smart card, via said smart reader (see col. 9 lines 24-36), and

e/ activating at least one given function of at least one application stored in said smart card, by said translated command in order to perform said control of the user station (see col. 10 lines 26-57, multimedia information is presented to the user).

As to claim 18, Takagawa teaches a method according to claim 17, characterized in that said data and/or instructions stored in said remote server and allowing the generation of specific commands comprise smart card context data, said context data being a representation, in the memory of said remote server, of said smart card present in said user station (see col. 8 lines 8-col. 9 lines 10).

As to claim 19, Takagawa teaches a method according to claim 18 characterized in that, said smart card is controlled by an operating system associated with a version number, and said context data comprises at least said version number of the operating system (see col. 8 lines 8-col. 9 lines 10).

As to claim 20, Takagawa teaches a method according to claim 17, characterized in that said specific commands are the result of the execution of a CGI type script in said remote server (see col. 8 lines 8-col. 9 lines 10).

As to claim 21, Takagawa teaches a method according to claim 17, characterized in that said piece of specialized software is loaded into said user station during said first preliminary phase, from a data recording medium (see col. 8 lines 8-col. 9 lines 10).

As to claim 22, Takagawa teaches a method according to claim 17, characterized in that said piece of specialized software is downloaded into said user station during said a first preliminary phase, from a remote server, via said internet network (RI) (see col. 8 lines 8-col. 9 lines 10).

As to claim 23, Takagawa teaches a method according to claim 17, characterized in that said first given communication protocol is of the TCP/IP type (see col. 8 lines 8-col. 9 lines 10).

As to claim 24, Takagawa teaches a method according to claim 17, characterized in that said second given communication protocol conforms to ISO standards 7816-1 through 7816-4 (see col. 11 lines 25-32).

As to claim 25, Takagawa teaches a method according to claim 17, further comprising, subsequent to activating said at least one given function, the steps of:

f/ transmitting data and/or instructions between said smart card and said terminal, via said smart card reader, said transmission being performed using said first given communication protocol (see col. 2 lines 5-56);

g/ translating said data and/or instructions by said piece of specialized software and its transmission to said remote server, using said second given communication protocol (see col. 2 lines 5-56),

h/ processing said data and/or instructions by said remote server (see col. 2 lines 5-56);

i/ generating by said remote server (of) data characteristic of a configuration of said smart card and/or of an application stored in said smart card, and for the transmission of said characteristic data to said terminal using a third given communication protocol (see col. 8 lines 8-col. 9 lines 10); and

j/ display of said characteristic data on a display screen connected to said terminal (see col. 8 lines 8-col. 9 lines 10).

As to claim 26, Takagawa teaches a method according to claim 25, characterized in that, said request generating means is constituted by a web type browser, and further comprising storing in said remote server in a third preliminary phase data constituting static display pages, and subsequent steps comprising transmitting upon reception of specific requests generated by said browser, all or some of said static display page data to said terminal in order to display pages of information associated with said smart card on said display screen (see col. 2 lines 5-56).

As to claim 27, Takagawa teaches a method according to claim 26, characterized in that it further comprises generating, by means of said browser, in a fourth preliminary phase a particular request transmitted to a remote server connected to said internet network in order to download a particular piece of software called an applet into the browser, so as to automate all or some of said steps a through j (see col. 2 lines 5-56).

As to claim 29, Takagawa teaches the method of claim 25 where the communication protocol is of the HTTP type (see col. 2 lines 5-56).

As to claim 30, Takagawa teaches a system architecture for remote control of a user station communication protocol stack, said smart card reader comprising a second communication protocol stack and said smart card comprising a third communication protocol stack, allowing communications between said user station and a remote server connected to said network and communications between said user station and said smart card via said smart card reader, said user station also comprising means for generating requests transmitted to said remote server, characterized in that said remote server comprises a storage device for storing data and/or instructions allowing the

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generation of specific commands upon reception of specific requests originating from said request generating means and their transmission to said user station, and in that said user station comprises a specialized module forming an interlace between said first and second protocol stacks and adapted to translate said specific commands received by said user station in conformity with a first given communication protocol, into commands that conform to a second given communication protocol, in order to transmit them, using said second given communication protocol, via said smart card reader to said smart card, so as to activate at least one given function of at least one application stored in said smart card (see col. 2 lines 5-56).

As to claim 31, Takagawa teaches a system architecture according to claim 30, characterized in that said remote server further comprises an HTTP server, first storage device for storing said data and/or instructions allowing the generation of specific commands, and second storage device for storing data constituting display pages in HTML language (see col. 2 lines 5-56).

As to claim 32, Takagawa teaches a smart card demonstrator, using the system architecture according to claim 30, said user station comprising a display screen for displaying data transmitted by said remote server to said supplementary module and characteristic data of a context of said smart card, using a third given communication protocol, said characteristic data being generated by said remote server upon reception of data sent by said smart card, using said second given communication protocol, translated by said supplementary module and transmitted to said remote server using said first given communication protocol (see col. 8 lines 10-col. 9 lines 32).

As to claim 33, Takagawa teaches the method of claim 17 wherein said piece of specialized software forms an interface with upper protocol layers of the user station and intercepts said specific command received in user station at an upper layer c4 corresponding to a transport (TCP) layer (see col. 8 lines 10-col. 9 lines 32).

As to claim 34, Takagawa teaches the system of claim 31, wherein said piece of specialized software is adapted to form an interface with upper protocol layers of the user station and intercepts said specific commands received in user station at an upper layer c4 corresponding to a TCP layer (see col. 8 lines 10-col. 9 lines 32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagawa.

Takagawa teaches a method according to claim 26, characterized in that it further comprises generating, by means of said browser, in a fourth preliminary phase a particular request transmitted to a remote server connected to said internet network in order to download a particular piece of software called an applet into the browser (see rejection of claim 27).

Takagawa does not explicitly teach the limitation "applet is written in JAVA language". Official notice that one of the ordinary skill in the art at the time of the invention would be able to write the applet in Java Language.

Response to Arguments

6. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

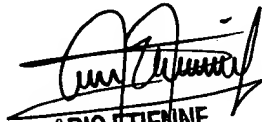
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein Elchanti

July 14, 2005


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2157